

TO: Zoning Board of Adjustment
FROM: Community Development Department
DATE: April 13, 2016

RE: CASE #CU-16-006
REQUEST: Conditional use permit to allow a salvage operation (concrete recycling) in an I-2/General Industrial District.

APPLICABLE

CODE SECTION: §15.21.030 Conditional Uses. The following conditional uses shall be permitted in an I-2 District, in accordance with the requirements set forth in Chapter 15.02:
07. Salvage Operations

LOCATION: East of East Manawa Drive and south of tank farm

LEGAL

DESCRIPTION: A parcel of land being a portion of the SE1/4 NW1/4 of Section 18-74-43, City of Council Bluffs, Pottawattamie County, Iowa, being more fully described as follow: Commencing at the Southeast corner of said SE1/4 NW1/4, thence along the East line of said SE1/4 NW1/4 N00°14'33"W 908.9 feet to the North line of a parcel described in the Warranty Deed recorded in Book 2009, Page 14550 in the Pottawattamie County Recorder's Office, thence along said North line S89°19'21"W 246.31 feet to the True Point of Beginning; thence S06°42'11"E 554.36 feet, thence S89°19'21"W 582.19 feet, thence N00°40'39"W 551.30 feet to a point on said North line; thence along said North line N89°19'21"E 524.00 feet to the Point of Beginning.

APPLICANT/

OWNER: B&B Real Estate Investments, LLC
2427 South Avenue, Council Bluffs, IA 51503

REPRESENTED BY: James Kaiser, Heartland Properties
535 West Broadway, Suite 100, Council Bluffs, IA 51503

BACKGROUND – The Community Development Department has received an application from B&B Real Estate Investments, LLC, represented by James Kaiser with Heartland Properties, for a conditional use permit to allow a 'salvage operation' on property zoned I-2/General Industrial. National Concrete Cutting, Inc., an affiliate of B&B Real Estate Investments LLC, proposes to recycle (crush) concrete into a usable material on the subject property. The company also plans to construct a new 47,136 square foot operations/office facility on land immediately abutting the subject property.

A proposed plan of operation is included this report as 'Attachment 'B'. In summary, the 'salvage operation' will employ 3-4 people and will operate Monday through Friday from 7:00AM to 5:00PM. All stockpiling and processing of material will be kept on the subject property. Rubble piles will not exceed 30 feet in height. A paved driveway will be provided from East Manawa Drive to the subject property. Off-street parking for vehicles and trucks will be provided as part of the paved driveway. A

maximum of 50 trucks are anticipated to visit the recycling operation each day. Water spray will be used to control dust associated with the crushing operation. No outdoor lights are proposed at this time.

The following attachments are included with this report

Attachment A: Preliminary site plan

Attachment B: Plan of operation (as submitted by the applicant)

Attachment C: Location/zoning map

CURRENT ZONING AND LAND USE – The subject property is an undeveloped seven acre parcel of land that is relatively flat in topography and uniform in shape. The parcel is landlocked and is not serviced by any public utilities. Additionally, the parcel contains a portion of an existing 100 foot-wide gas line easement along its eastern boundary.

On February 16, 2016, the Council Bluffs City Council rezoned the Ordinance the subject property from A-2/Parks, Estates and Agricultural District to I-2/General Industrial District (see Ordinance No. 6268 and Case #ZC-16-001). The surrounding property to the east, west and south is also owned by the applicant. The City Council has approved a conditional rezoning of said property from A-2/Parks, Estates and Agricultural District to an I-1/Light Industrial District once public water is provided to the site (see Cases # ZC-08-014). Property to the north is zoned I-2/General Industrial District and is being utilized as a tank farm. With the exception of the tank farm located to the north, there are no other established industrial uses in the general vicinity of the subject property.

The future land use plan of the Bluffs Tomorrow: 2030 Plan (comprehensive plan) designates the subject property and surrounding area as 'Light Industrial'. The proposed 'salvage operation' is considered a heavy industrial use and is not consistent with the 'Light Industrial' designation.

CITY DEPARTMENTS AND UTILITIES – All City departments and local utility providers were notified of the proposed conditional use permit request. The following comments were received:

Public Works Department

1. Field access must be improved to City standards at the time of development.
2. Field access should grant the City and the property owner to the south the right to access the existing sanitary sewer easement (as shown on the plan). Said access easement must be recorded as a separate legal instrument.
3. All MS4 requirements must be complied with at the time of development regarding the following:
 - a) Stormwater management
 - b) Sediment and erosion control
 - c) Good housekeeping (i.e. debris containment, stockpile containment, etc.)

Public Health Department

1. A salvage yard license is required.
2. A portable restroom facility with hand washing capabilities must be provided for employees working on-site. The temporary restroom should be removed once a permanent facility is constructed.
3. A water source for dust control must be provided for the concrete grinding operation. All dust should be contained to the property where the concrete grinding operation is located. If grinding occurs year round, the must be controlled during the winter months by some other approved method.

Council Bluffs Fire Department

1. Fire hydrants are required within 300 of structure (IFC 507.5.1, Amended).
2. A fire hydrant must be also provided within 600 feet of the crushing operation if the facility is active prior to the construction of a permanent building/structure (IFC 507.5.1 Exception 2, Amended).

Community Development Department

1. The applicant is responsible to comply with all federal, state and local laws.
2. The site shall be developed to comply with all City standards including the connection to public water. The preliminary site plan shows a proposed water main extension along the west side of East Manawa Drive. The service extension to the subject property is not identified on the preliminary plan. The proposed water main extension shall be extended to the subject property prior to commencing any concrete crushing. A well shall not be allowed.
3. No permanent buildings/structures are proposed on the subject property, as per the submitted preliminary site plan. Any future building/structures must be developed in accordance with all City standards.
4. All parking areas, drives and drive-aisles (including those internal on the site) shall be hard-surfaced and shall comply with the requirements set forth in *Chapter 15.23 Parking, Loading and Unloading* of the Council Bluffs Municipal Code (Zoning Ordinance). This includes the private driving route between various stockpiles of materials and the major equipment (crusher) locations.
5. Dust shall be controlled at all times and shall not project across property lines or be considered a nuisance to adjoining properties or to the general public. A specific plan for dust control must be submitted to the City prior to commencing any concrete crushing.
6. The amount of material stockpiled for processing shall be limited to a reasonable amount. A statement indicating the amount of material to be stockpiled on-site must be submitted to the City prior to commencing any concrete crushing. A salvage operation is not intended for long term storage or disposal of materials. No material stock piles shall exceed 30 feet in height, measured from finished grade, as per the applicant's plan of operation.
7. The preliminary site plan shows two landscaped berms on an adjacent parcel owned by the applicant. The Community Development Department recommends the applicant provide landscape plantings along the north and south property lines of the subject property for dust control and screening purposes. The plantings species should consist of large fast-growing deciduous and/or evergreen trees that reach a minimum mature height of 30 feet (e.g., Hybrid Willow). A minimum of one tree shall be planted every 20 feet on center along the entire length of the north and south property lines. The applicant shall submit a landscaping plan to the City for review. All landscape plantings shall be installed prior to commencing any concrete crushing.
8. All material stockpiles or concrete crushing equipment shall be located on the subject property and shall not be placed within a designated stormwater drainage swale and/or easement area.
9. Fencing and outdoor lighting is allowed in accordance with *Chapter 15.24 Supplemental Use and Site Development*, of the Council Bluffs Municipal Code.
10. Signage is allowed in accordance with *Chapter 15.33 Signs* of the Municipal Code. A sign permit is issued separately from a building permit.
11. Noise from the operation shall be maintained in accordance with *Chapter 4.5 Noise Control*, of the Council Bluffs Municipal Code.

Council Bluffs Water Works

1. Public water is not available to the subject property. The owner has requested a water main extension but no formal agreement has been negotiated with the Council Bluffs Water Works.

Cox Communication has no issues with the conditional use permit request.

NEIGHBORHOOD RESPONSE – All property owners within 200 feet were notified of the proposed conditional use permit request. No comments have been received as of the date of this report.

COMMENTS

§15.02.090 Conditional Uses: The development and execution of the Ordinance (Title 15) is based upon the division of the City into districts. Within each district the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are specific uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such uses may be either public or private, and are of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

The Zoning Board of Adjustment shall make findings of fact, based upon the evidence presented at the public hearing, with respect to each of the applicable standards in Section 15.02.090.E (Findings of Fact).

The Zoning Board of Adjustment may impose such conditions and restrictions upon the location, construction, design and use of the property benefited by a conditional use as may be necessary or appropriate to protect the public interest, adjacent property and property values. Failure to maintain such conditions or restrictions as may be imposed shall constitute grounds for revocation of the conditional use. The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the concluding statement separate from the findings of fact. No conditional use shall be approved unless the Zoning Board of Adjustment makes findings of fact based directly on the standards and conditions imposed by this section.

The findings of fact are presented below *in italics*:

1. The proposed conditional use will comply with all applicable regulations of this Ordinance, including lot requirements, bulk regulations, use limitations and all other standards or conditions contained in the provisions authorizing such use. *The site plan layout and design is preliminary at this time. However, the final design shall comply with all lot requirements, bulk regulations and other standards and conditions as required. Minimum setbacks shall be as required in §15.21.050, Site development regulations of the Council Bluffs Municipal Code.*
2. Adequate utility, drainage and other necessary facilities or improvements have been or will be provided. *The subject property is landlocked and does not have direct access to public utilities. The preliminary plan shows a water extension along the west side of East Manawa Drive to service the subject property. The applicant shall complete a water main extension agreement with the Council Bluffs Water Works and provide water to the subject property prior commencing any concrete crushing on-site. A well shall not be permitted on the site. Any cost to extend, modify or otherwise relocate facilities shall be at the cost of the owner/applicant. Storm water shall be managed in accordance with all Public Works Department requirements. The primary driveway into the site, parking lot area and the primary drive aisle/routes that circulate throughout the site between material storage areas and equipment shall be hard surfaced. The preliminary site plan currently does not show the drive aisles that circulate between the material storage areas and crushing equipment. These drive aisle shall be*

hard-surfaced paved to City standards. Temporary restroom facilities (port-a-johns) with hand-washing capabilities shall be provided on-site until a permanent building with restroom facilities is constructed.

3. Adequate access roads or entrance and exit drives will be designed and built to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys. *The subject property does not have direct access to East Manawa Drive. The preliminary site plan shows a paved driveway being extended from East Manawa Drive through property owned by the applicant to access the subject property. The proposed driveway shall be designed and constructed to comply with City standards prior to commencing any concrete crushing on-site.*
4. All necessary permits and licenses required for the operation of the conditional use have been obtained, or it clearly appears that such permits are obtainable for the proposed conditional use on the subject property. *Further design of the site will refine necessary infrastructure and utility needs. All storm water management, as required by the Public Works Department, must be in place on the property in such a way as to not impact surrounding properties. A salvage yard license will be required from the Public Health Department. The owner is responsible to comply with all federal, state and local laws and requirements.*
5. All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties. *Residential uses do not abut the subject property. No exterior lighting is proposed on the preliminary site plan. Any future exterior lighting must be directed such that it will not project onto adjoining properties or right-of-way and shall comply with Chapter 15.24 Supplemental Use and Site Development, of the Council Bluffs Municipal Code.*
6. The location and size of the conditional use, the nature and intensity of the activities to be conducted in connection with it, the size of the site, and the relationship of the site to adjacent roadways shall be considered to assure the use is in harmony with the appropriate and orderly development of the district and the neighborhood in which it is located. *The location of the property is appropriate for the intended use. The facility will be limited to the salvage of concrete materials only and will not be allowed to process and/or receive scrap metal or other materials. The area is not in the immediate vicinity of residential uses or retail commercial uses. The use will be regulated as it relates to noise levels and dust control. All loading/unloading of truck/vehicles must be confined to the site and cannot utilize the public street network for queuing/stacking purposes. Material stock piles shall not exceed 30 feet in height and shall be processed routinely to prevent significant amounts of unprocessed materials on-site. Paved access to the site from East Manawa Drive must be provided in accordance with City standards. If appropriately developed and managed with full services the use is appropriate at this location.*
7. The location, nature and height of buildings, structures, walls and fences on the site, and the nature and extent of landscaping and screening on the site shall be designed so that the use will not reasonably hinder or discourage the appropriate development, use and enjoyment of the adjacent land, buildings and structures. No permanent buildings or structures are proposed on the subject property. The location of the crushing equipment and material stock piles will vary on-site. *A minimum of one large fast-growing evergreen and/or deciduous tree (e.g., Hybrid Willow) shall be planted every 20 feet on center along the entire north and south property line of the subject property for dust control and screening purposes. All landscape plantings shall be installed prior to commencing any concrete crushing. A landscaping plan is required.*

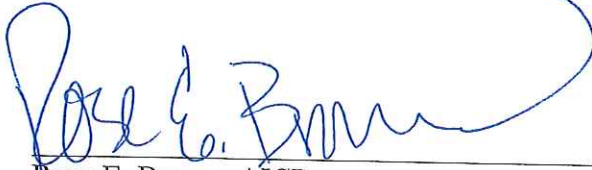
8. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public. *The site will be subject to further review and permitting. Provided all conditions of approval are in compliance and all necessary permits are received the conditional use permit will not adversely impact the surrounding area.*

RECOMMENDATION – The Community Development Department recommends, based on the findings above, approval of a conditional use permit to allow a ‘salvage operation’ in an I-2/General Industrial District on a parcel of land legally described as being a portion of the SE1/4 NW1/4 of Section 18-74-43, City of Council Bluffs, Pottawattamie County, Iowa, being more fully described as follow: Commencing at the Southeast corner of said SE1/4 NW1/4, thence along the East line of said SE1/4 NW1/4 N00°14’33”W 908.9 feet to the North line of a parcel described in the Warranty Deed recorded in Book 2009, Page 14550 in the Pottawattamie County Recorder’s Office, thence along said North line S89°19’21”W 246.31 feet to the True Point of Beginning; thence S06°42’11”E 554.36 feet, thence S89°19’21”W 582.19 feet, thence N00°40’39”W 551.30 feet to a point on said North line; thence along said North line N89°19’21”E 524.00 feet to the Point of Beginning, subject to the following conditions:

1. All applicable Federal, State and Local codes and laws shall be met, including those not expressly discussed above.
2. The only type of salvage allowed as part of this approval is concrete recycling/processing.
3. Public water shall be extended to the subject property at the expense of the owner/applicant prior to commencing any concrete crushing on-site.
4. A well to provide water shall not be permitted on the site.
5. Temporary restrooms (port-a-johns) with hand-washing capabilities shall be provided on-site until a permanent building with restroom facilities is constructed.
6. Fire hydrants and fire protection shall be in accordance with the requirements of the Council Bluffs Fire Department.
7. Paved access to the subject property shall be provided in accordance with City standards prior to commencing concrete crushing on-site.
8. All parking areas and drives and drive aisles, including those internal on the site, shall be hard surfaced and shall comply with the requirements set forth in *Chapter 15.23 Parking, Loading and Unloading* of the Council Bluffs Municipal Code (Zoning Ordinance).
9. Signage shall comply with *Chapter 15.33 Signs* of the Council Bluffs Municipal Code.
10. Storm water management shall be provided in accordance with Public Works Department requirements.
11. A landscaping plan shall be submitted to provide screening, as discussed above.
12. The hours of operation shall be limited to Monday through Friday from 7:00AM to 5:00PM.
13. A salvage yard license is required.
14. Noise shall be minimized to the extent practicable but at all times shall be in accordance with *4.5 Noise Control*, of the Council Bluffs Municipal Code.
15. Dust shall be controlled at all times and shall not project across property lines or be considered a nuisance to adjoining properties or the general public. A specific plan for dust control must be submitted.
16. The amount of material stored on the site for processing shall be kept to a reasonable level with crushing operations occurring routinely. Material stockpiles shall not exceed 30 feet in height. If processing is ever to cease for an extended period of time then no additional material shall be

brought into the site. A salvage operation is not intended to be a place for long-term storage or disposal of material and debris.

17. The applicant shall work with the Public Works Department to provide an access easement to the existing sanitary sewer easement.
18. No concrete crushing shall commence on the subject property until such time as it can be demonstrated that all of the above requirements are met.

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Rose E. Brown, AICP
Planning Coordinator

A handwritten signature in blue ink, appearing to read "Christopher N. Gibbons".

Christopher N. Gibbons, AICP
Planner